

REMARKS/ARGUMENTS

The Examiner has noted that United States Patent No. 1,081,745 was mentioned in the specification, but not cited in on Form 1449. This patent was deemed of historical interest and merely cumulative and immaterial to the invention as claimed. However, Applicant will submit, in a separaate paper, that patent and another cited in the International Search Report, but not on Form 892.

Figure 4 has been corrected to comply with the figure as originally filed in Provisional Application Serial Number 60/404,685 and an identifying header is added. A full set of figures with identifying header is attached.

In the specification, the abstract has been abbreviated. The amendment is supported by the original title as filed, as superfluous words have been deleted and the term "high forehead" has been changed to "middle of the forehead." This term is supported in the specification on page 6 line 13 and clearly described on page 7, lines 3-4 as shown in Figure 2.

The language of claim 1 pertaining to the lateral arms of the biasing means extending horizontally is now incorporated in the substituted second full paragraph on page 4. This addition is supported by the claims as filed.

The claims have been amended to be presented in more proper form. Applicant thanks Examiner Mitchell for her helpful suggestions as to proper form for a claim.

Claim 1 as amended, now recites that the circumferential bank is adapted to encircle a head of a patient from the middle of the forehead. Support for this amendment is found on page 6, line 13 , Figure 2 and on page 7, lines 3-4. The "point forward" in claim 1 is now indicated to be from the nose of a patient, as described on page 4, line 15. Claim 3 has been amended to refer to the horizontal extent of the lateral arms of the biasing means as extending forward past the nose of a patient.

Claim 2 depends on the amended claim 1.

Claim 3 depends on claim 1, which now recites that the biasing means extend "a horizontal length."

The term "length" in claims 4 and 5 has antecedent basis on page 4, lines 9 and 14.

Claim 7 now recites that the bifurcation results in two arms that are attached to the

circumferential band “at each side of the medial band.” This amendment is supported on page 3, lines 28-30. As noted for claim 1 and the abstract, the term “high forehead” has been replaced by “middle of a forehead.” The word “middle” has a common meaning, that is, between each limit of an area. Applicant believes this is a more easily understood term than high forehead and is supported by the specification on page 6, line 13 and page 7, lines 3-4 and by Figures 1, 3 and 4.

Claim 8 has been amended and is believed to be now in proper form. The term “the ends” has support in the specification on page 4, line 21 which defines the proximal and distal ends of the face mask. On page 4, the distal end of the mask is described on line 24 as that end of the mask which surrounded by the loop of the biasing means. As for claim 1 and the abstract, “high” has been replaced by “middle of a forehead.”

Claim 9 has been amended and is believed to be now in proper form. On line 2, the “circumferential edge” is supported by the specification, page 3, line 15. Claim 9, line 8, as amended now recites the middle of the forehead as in claim 1 and the abstract. Claim 9, line 14, line 15, the confusing term “with the vertical plane of a patient’s face” has been deleted. Applicant believes the meaning is clearer without this phrase.

Although not shown on a drawing, claim 10 is supported by the specification on page 4, lines 24-25. This modification is self apparent and the public need not consult a drawing to practice this embodiment of the invention.

Claim 11 now depends on amended claims 1, 8 or 9.

Claim 12, as amended, now has deleted the unclear term “highest point.”

The Examiner rejects Claim 13 under 35 U.S.C. 102 (b) as being anticipated by Ogden et al. (United States Patent Number 5,662,101.) Applicant respectfully disagrees. Claim 13 as amended now recites a single circumferential band adapted to extend from the middle of a forehead to an inion protrusion of an occipital bone. Ogden shows one circumferential band encircling a head from forehead to the back of the head and a second band encircling a head from a face mask to an inion protrusion of an occipital bone. Applicant has no band attached to a face mask. While there may be several ways to clamp a face mask to a head, Applicant has invented an elegant, simple and comfortable way to provide stability to a face mask.

The claims being amended to correct informalities and to more distinctly claim the invention, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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